

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the Right to Information Act, 2005)
The Institute of Company Secretaries of India
ICSI House, C-36, Institutional Area, Sector-62,
Noida - 201 309 (U.P.)

Appeal no. ICSOI/A/E/22/00056 dated 20.07.2022 against RTI Application
no. ICSOI/R/E/22/05120 dated 20.06.2022

IN THE MATTER OF:

Mr. Rajiv Kumar Adlakha
Company Secretary in Practice,
823, 8th Floor, Tower B4, Spaze i-Tech Park,
Sohna Road,
Gurgaon- 122 018

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House
22, Institutional Area, Lodi Road
New Delhi - 110 003

Respondent

Date of Order: 2nd September 2022

ORDER

1. The Appellant had filed first appeal on 20.07.2022 under Section 19(1) of the Right to Information Act, 2005 in connection with RTI ICSOI/R/E/21/05120 dated 20.06.2022 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India. The response against the said RTI was given on 18.07.2022.
2. The Appellant had requested in the appeal for a hearing. The plea of the Appellant for hearing was accepted.
3. The hearing on the matter was held on Monday, i.e. 29.08.2022 at 11:00 am at 7th floor, Committee Room No. 02 of ICSI NOIDA building.
4. The Appellant Mr. Rajiv Kumar Adlakha, the Respondent (CPIO) were present on the aforesaid date, time & venue.
5. During the hearing, it was noted that the written submission of the Respondent has been received by the Appellant. Thereafter a rejoinder has been received from the Appellant on 27th Aug 2022.
6. The Appellant informed that rules to election as mentioned in submission of the Respondent has not been provided. A copy of The Company Secretaries Act, 1980- Clause 14 (Procedure to be followed by the Board of Discipline) &

18 (Procedure to be followed by the Committee) page no. 122 to 128 was provided during the hearing. Further a copy of the CIC Order CIC/MOCAF/A/2021/114451 dated 24/08/2022 was placed for information by the Respondent at the time of the hearing.

7. The request of the Appellant for giving more time in view of the documents placed was accepted. An interim order has been issued on 29th Aug 2022 providing more time i.e. till 30th August, 2022 to the Appellant to submit final rejoinder.
8. During the hearing, the submission of the Respondent against the said appeal was that the PFO in respect of complaint no. 501 was given on 26.11.2020 & PFO in respect of complaint no. 530 was given on 12.02.2021. PFO in respect of complaint no. 507 was not yet given.

Copy of the CIC decision dated 24.08.2022 in the matter of Mr. Monish Uppal was circulated.

9. This Office has carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.
10. It is recoded that this office is taking a final decision after the prescribed limit of 30 days in view of the fact that hearing as per the request of the Appellant has to be provided and thereafter further time has to be given to the Appellant to give him every opportunity to counter the plea made by the Respondent in denying the information.
11. The core issue before this office is providing of PFO 587/2020.
12. The plea taken by the Appellant is that the CIC order CIC/MOCAF/A/2021/114451 dated 24/08/2022 has been placed at the last minute. CPIO is duty bound to supply PFO for 587/2020 as other PFOs have been provided. There are precedents where the PFO has been provided.
13. The plea taken by the Respondent is that the case CIC/MOCAF/A/2021/114451 as decided by CIC on 24/08/2022 is the same as the present case. As per the decision of CIC it is to be noted that the Commission in its decision was not inclined to give any further relief to the Appellant.

This office notes that the case as decided by CIC on 24/08/2022 is on similar lines as this case. The stand taken by the Respondent is maintained. In view of the above this office is not inclined to provide any relief to the Appellant.

The appeal is accordingly disposed of.

Sd/-
(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Mr. Rajiv Kumar Adlakha
Company Secretary in Practice
823, 8th Floor, Tower B4, Spaze i-Tech Park,
Gurgaon- 122 018

2. Mr. Saidutta Mishra
Central Public Information Officer
The Institute of Company Secretaries of India
ICSI House
22, Institutional Area, Lodi Road
New Delhi - 110 003

